

# SIDLEY

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May 1, 2019

**VIA EMAIL:** CM/ECF

Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: ***Kassman v. KPMG LLP, Case No. 11-cv-03743 (LGS)***

Dear Judge Schofield:

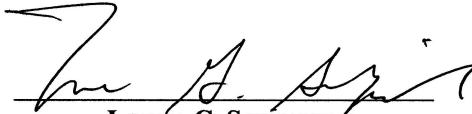
On February 25, 2019, the Court entered an order approving a process and form of verified Fact Sheet to be used by any former Opt-In Plaintiff who wished to continue to prosecute her individual EPA claim. (Dkt. No. 865) Under the Order, the deadline for Plaintiffs' counsel to serve the Fact Sheets on KPMG was April 30, 2019. (*Id.*) As of that date, Plaintiffs' counsel has served 452 Fact Sheets on KPMG, with the first group of Fact Sheets served on April 19, 2019. Because each verified Fact Sheet "shall act in all respects as if it were a filed Complaint in this Court" (*id.*), KPMG understands that it may have<sup>1</sup> a technical obligation under the Federal Rules of Civil Procedure to answer or otherwise respond to each such verified Fact Sheet within twenty-one (21) days of its service. Fed.R.Civ.P. 12(a).

In addition, the Court has directed that, "[o]n May 31, 2019, the parties are required to file a joint letter and proposed Order regarding status, including the status of the serving of Fact Sheets or filing of Complaints by FOIPs and whether the Parties believe that the appointment of a Special Master . . . would be helpful." (Dkt. No. 865) Given the large number of Fact Sheets served on KPMG and the parties' obligation to meet and confer regarding the effective administration of the claims alleged in the Fact Sheets, KPMG respectfully requests that the Court enter an Order staying the deadline (if applicable) for it to answer or otherwise respond to each Fact Sheet until a date set by the Court after the parties' submission of the May 31, 2019 joint letter. Allowing KPMG the opportunity to assess and review the claims asserted in the Fact Sheets and to continue to meet and confer with Plaintiffs' counsel will promote the efficient adjudication of the claims asserted in the Fact Sheet.

<sup>1</sup> We say "may have" because this issue was not expressly discussed in the parties' prior communications with the Court, and KPMG respectfully submits, as discussed below, that it is not practicable or feasible for it to respond to hundreds of Fact Sheets within 21 days, particularly given the substantially longer period that Plaintiffs were given to file such Fact Sheets.

Application GRANTED. The deadline for Defendant to answer or otherwise respond to the Fact Sheets is adjourned to June 28, 2019.

Dated: May 2, 2019  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

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We appreciate the Court's consideration of this request.

Sincerely,

*/s/ Colleen M. Kenney*

Colleen M. Kenney

cc: Counsel of Record